

residential address but in the same city in Maine on July 16, 2003. The Notice of Hearing was not returned and is presumed to have been served on Wrobleski.

The hearing was held as scheduled on September 11, 2003, in the Office of Administrative Hearings, Bismarck, North Dakota. Investigative Panel A was represented by Mr. Olson. He called one witness, the Board's executive secretary and treasurer, Mr. Rolf P. Sletten. The Respondent was not present at the hearing. The Respondent was not represented by counsel or anyone else at the hearing. Two exhibits were offered and admitted. The exhibits are documentation from the states of Maine and Connecticut for administrative proceedings against Wrobleski. The Maine documentation is a cover letter and an October 2002 Consent Agreement for Voluntary Surrender of License. The Connecticut documentation is an April 8, 2003, Statement of Charges, and an April 15, 2003, Summary Suspension Order.

Based on the evidence presented at the hearing, the administrative law judge makes the following recommended findings of fact and conclusions of law.

FINDINGS OF FACT

1. Wrobleski is not currently licensed to practice medicine in North Dakota but could become so licensed again. He could still renew his previously expired license.
2. Wrobleski may also be currently licensed in the states of Connecticut, Maine, South Dakota, and Pennsylvania. Exhibit 1.
3. Wrobleski was previously licensed by the Board to practice medicine in North Dakota, license number 8093. He first became licensed as a locum tenens in North Dakota in October 1998, which license expired on January 8, 1999. Wrobleski was then issued a permanent license to practice medicine in North Dakota on January 8, 1999. He renewed his license thereafter until his last renewal expired on June 30, 2002.

4. Disciplinary action has been taken in Maine against Wrobleski by the Board of Licensure in Medicine ("Maine Board"). On October 4, 2002, counsel for the Maine Board, and on October 8, 2002, Wrobleski signed a Consent Agreement for Voluntary Surrender of License. Wrobleski agreed to a voluntary surrender of his license to practice medicine in Maine or elsewhere until his Maine license is reinstated with or without conditions. The disciplinary action in Maine was based, in part, on Wrobleski's use of pain medications and alcohol which resulted in his hospitalization. Exhibit 1.

5. Disciplinary action has been taken in Connecticut against Wrobleski by the Connecticut Medical Examining Board ("Connecticut Board") of the Department of Public Health ("Department")Bureau of Healthcare Systems ("Bureau"). On April 8, 2003, counsel for the Bureau filed with the Department a Statement of Charges against Wrobleski alleging, among other things, that Wrobleski placed a loaded gun in his mouth while under the influence of alcohol and Oxycontin. On April 15, 2003, the Connecticut Board issued a Summary Suspension Order against Wrobleski ordering Wrobleski to immediately surrender his license to practice medicine in the state of Connecticut to the Connecticut Board, pending a final determination by the Connecticut Board regarding the allegations contained in the Statement of Charges. Exhibit 2.

6. The grounds for the disciplinary action taken against Wrobleski in Maine and Connecticut would constitute grounds for disciplinary action against Wrobleski in North Dakota under N.D.C.C. § 43-17-31. N.D.C.C. § 43-17-31(4); see exhibits 1 and 2.

7. Wrobleski also had problems with the use of medications and alcohol while in North Dakota. When his permanent license was granted in January 1999, conditions were

attached to it by the Board which were designed to guard against his previous inappropriate use of medications and alcohol. However, Wroblewski did not stay in North Dakota to practice medicine after receiving his permanent license.

CONCLUSIONS OF LAW

1. Although Wroblewski is not currently licensed by the Board to practice medicine in North Dakota, he may still renew his previous license to practice medicine in North Dakota, # 8093. *See* N.D.C.C. § 43-17-26.1

2. Under N.D.C.C. § 43-17-31(25), it is grounds for disciplinary action by the Board if another state has imposed disciplinary action against the physician upon acts or conduct by the physician that would constitute grounds for disciplinary action as set forth in N.D.C.C. § 43-17-31.

3. The State of Maine, Board of Licensure in Medicine, has imposed disciplinary action against Wroblewski for conduct by Wroblewski that would constitute grounds for disciplinary action as set forth in N.D.C.C. § 43-17-31(4).

4. The State of Connecticut, Connecticut Medical Examining Board of the State of Connecticut Department of Public Health, Bureau of Healthcare Systems has imposed disciplinary action against Wroblewski for conduct by Wroblewski that would constitute grounds for disciplinary action as set forth in N.D.C.C. § 43-17-31(4).

5. Under N.D.C.C. § 43-17-30.1, the Board has authority to take a variety of means of disciplinary action against Wroblewski, including revocation of his license to practice medicine in North Dakota, as the result of the grounds for disciplinary action under N.D.C.C. § 43-17-31 proven at the hearing.

6. The Board has authority in a disciplinary proceeding in which disciplinary action is imposed against a physician to direct the physician to pay to the Board a sum not to exceed the reasonable and actual cost, including reasonable attorney's fees, incurred by the Board and its investigative panels in the investigation and prosecution of the case. N.D.C.C. § 43-17-31.1.

RECOMMENDED ORDER

The greater weight of the evidence shows that there is grounds for disciplinary action against Wrobleski under N.D.C.C. § 43-17-31, such that disciplinary action may be taken against Wrobleski under N.D.C.C. § 43-17-30.1. At the hearing, the Board's executive secretary and treasurer recommended revocation of Wrobleski's license to practice medicine in North Dakota because of his obviously ongoing habitual use of drugs and alcohol. The ALJ recommends that the Board revoke Wrobleski's license to practice medicine in North Dakota. Further, the ALJ recommends that the Board order Wrobleski to pay to the Board a sum not to exceed the reasonable and actual costs, including reasonable attorney's fees, incurred by the Board and its Investigative Panel A in the investigation and prosecution of the case.

Dated at Bismarck, North Dakota, this 19th day of September, 2003.

State of North Dakota
Board of Medical Examiners

By: _____
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